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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

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IGLESIA NI CRISTO,
 	
        Plaintiff,
 	
    v.
 	
LUISITO E CAYABYAB, et al.,
 	
        Defendants.
	Case No. 18-cv-00561-BLF
	
	ORDER DISMISSING DEFENDANT ISAIAS T. SAMSON, JR. WITHOUT PREJUDICE FOR FAILURE TO EFFECT SERVICE OF PROCESS; AND DIRECTING PLAINTIFF TO FILE ANY MOTION FOR CLERK'S ENTRY OF DEFAULT AS TO DEFENDANT JERIEL NEMIS ON OR BEFORE OCTOBER 2, 2020

17   In its Order Granting in Part and Denying in Part Defendants' Motion for Summary

18 Judgment ("MSJ Order"), the Court observed that three defendants had not yet appeared: Bernard

19 Garcia ("Garcia"), Isaias T. Samson, Jr. ("Samson"), and Jeriel Nemis ("Nemis"). *See* MSJ Order

20 at 2, ECF 135. The Court observed that Garcia had been served after the summary judgment

21 hearing, but that the docket did not reflect service of process on Samson or Nemis. *See id.* The

22 Court granted Plaintiff Iglesia Ni Cristo ("INC") thirty days to file proof of service of process on

23 Samson and Nemis, and advised that failure to do so would result in dismissal of Samson and

24 Nemis. *See id.*

25   INC did not file proof of service of process on Samson within the thirty-day deadline, and

26 still has not done so. Accordingly, Samson is DISMISSED WITHOUT PREJUDICE for failure to

27 effect service of process as required by Federal Rule of Civil Procedure 4(m) and this Court's MSJ

28 Order.

1   INC filed proof of service of process on Nemis, showing that Nemis was served on April

2   1, 2020. *See* Proof of Service, ECF 136. Nemis has not responded. INC SHALL file any motion

3   for Clerk's entry of default as to Nemis on or before October 2, 2020.

4   **IT IS SO ORDERED.**

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6   Dated: September 18, 2020

7   _____

8   BETH LABSON FREEMAN
                                                           United States District Judge

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United States District Court
Northern District of California

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